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theory. 57 CENT. L. J. 343; 2 JURIDICAL SOCIETY PAPERS, 40; 20 HARV. L. REV. 589. The only sound objection to the rule of the principal case is a practical one, in that it differs from that of the Federal Bankruptcy Act which adopts the common-law or English rule. Act July 1, 1898, c. 541, sec. 5, 30 Stat. 547. Thus the rule of distribution would depend upon whether the estates were being settled in the state or the federal court. This objection was thought fatal in England under similar circumstances. *Grey v. Chiswell*, 9 Ves. 118. But since the principal case is a step toward establishing a theory of partnership in accordance with the true facts and at the same time achieves a more just result, it would seem worthy of being followed in spite of the conflict it may create.

PATENTS — INFRINGEMENTS — RIGHT OF SUB-PURCHASER TO DISREGARD NOTICE LIMITING RESALE PRICE. — The purchaser of a patented article from a jobber disregarded a notice, put on the article by the patentee, to the effect that it was not to be resold below a certain price. *Held*, that there was no infringement of the patent. *Bauer & Cie v. O'Donnell*, 33 Sup. Ct. Rep. 616.

This case is commented upon in this issue of the REVIEW on p. 73.

POST OFFICE — USE OF MAILS FOR FRAUDULENT PURPOSE — WHETHER ACTUAL INTENT TO DEFRAUD ADDRESSEE IS REQUIRED. — The defendant sent through the mails a catalogue advertising and soliciting orders for loaded dice and marked cards. He was indicted under a statute providing punishment for anyone who, having devised a scheme to defraud, should for the purpose of executing such scheme place any letter or advertisement in the post office. Act March 4, 1909, c. 321; PEN. CODE, § 215; 35 STAT. AT LARGE, 1130. *Held*, that a demurrer to the indictment should be sustained. *Stockton v. United States*, 205 Fed. 462 (C. C. A., Seventh Circ.).

The court argues that the legislature did not intend the general language of the above section to cover the defendant's offense, because an amendment to the statute as originally framed has made punishable any scheme to use the mails for disposing of counterfeit money or certain other specified artifices which would enable the purchaser to commit a fraud. But an order by mail to sell counterfeit money was punishable under the statute before amendment. *United States v. Jones*, 10 Fed. 469. In a case to the contrary, relied on by the court in the principal case, the decision turned upon a defect in the indictment, which charged a scheme to defraud the man who bought the counterfeits, instead of, as was the case, those who might deal with him. *Milby v. United States*, 109 Fed. 638. See *Milby v. United States*, 120 Fed. 1, 2. The amendment did not curtail the original statute, but simplified the course of conviction for the specified offenses. *Streep v. United States*, 160 U. S. 128; *Culp v. United States*, 82 Fed. 990. See *Milby v. United States*, 120 Fed. 1, 4. Since it is impossible to conceive that the vendor in the principal case had no intention to defraud, the result seems contrary to reason as well as authority.

RECEIVERS — EFFECT OF RECEIVERSHIP ON RELATION OF AGENTS TO COMPANY. — The plaintiff sued the defendant railroad for injuries received before the railroad passed into the hands of receivers. A statute provided that in actions against railroads, process could be served on any of their station or ticket agents. After the receivership, process was served by the plaintiff on a station agent, an employee of the railroad retained by the receiver. *Held*, that the service was valid against the railroad. *Ennest v. Pere Marquette R. Co.*, 142 N. W. 567 (Mich.).

The appointment of a receiver might have one of two possible effects upon the relation of employees to the railroad. They may be held to be agents of the receiver only. *Cain v. Seaboard, etc. Ry.*, 7 Georgia App. 461, 67 S. E. 127.